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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stephen Palm

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7055

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11/02/2004

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EXAMINER

KUMAR, PANKAJ

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,351	Applicant(s) PALM, STEPHEN	
	Examiner Pankaj Kumar	Art Unit 2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/2003-6/7/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roark 6,226,280. Here is how the reference teaches the claims:

3. As per claim 1: A communication method by which a remote terminal terminates a startup session of a duplex communication to be established between a central terminal and the remote terminal, comprising: transmitting certain data (Roark fig. 4: data after 52 is transmitted) when the remote terminal completes a transmission of a mode select message (Roark fig. 4: 52; fig. 5c: 282), an ACK message being transmitted by the central terminal (Roark fig. 4: 54; fig. 5c: 288) upon reception of the mode select message (Roark fig. 4: 52; fig. 5c: 282) transmitted by the remote terminal (Roark fig. 4: base system); receiving the ACK message transmitted by the central terminal (Roark fig. 4: base system receives 54 sent by fig. 5c 288); and transmitting predetermined data upon reception of the ACK message transmitted by the central terminal (Roark fig. 4: 56 is transmitted after 54 is received; fig. 5b 244 yes after fig. 5c 288), a data transmission in the startup session (Roark fig. 5B: 240 assigning frequency and time slot for data transmission; assigning frequency and time slot is intended for transmitting data) being suspended (Roark fig. 5B: 266, deassigning frequency and time slot; assigning frequency and time slot is intended for transmitting data and hence deassigning would suspend data

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transmission) after the predetermined data is transmitted (Roark fig. 4: after 56 is transmitted which in fig. 5b is after 244 is yes can deassigning in 266 occur), wherein the data transmission in the startup session is terminated (Roark fig. 5b: 270) when the central terminal at least receives the predetermined data transmitted by the remote terminal (Roark fig. 5B: 256 receives fig. 4 56 which is the yes in fig. 5b 244; fig. 4 remote receives 56 which was transmitted by the base system) and detects a predetermined period of silence transmission (Roark fig. 5B: 258 no) (also see col. 7 line 43 to col.9 line 58).

4. What Roark does not teach is that the base system is remote and CPE is central. It is common knowledge that communication systems can be relocated and still operate. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to relocate the base at a remote location and relocate the CPE (customer premises equipment) at the central location because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with relocating the base at a remote location and relocating the CPE at the central location because customers at a central location are easier to access for maintenance than if they are scattered at remote locations. Therefore, It would have been obvious to one skilled in the art at the time of the invention to modify Roark to obtain the invention as specified in this claim.

5. What Roark does not teach is that one terminal both receives predetermined data and also detects predetermined period of silence. What Roark teaches is that one terminal receives predetermined data and another terminal detects predetermined period of silence (Roark fig. 5B: 258 no). What Roark also teaches is that one terminal both sends predetermined data and also

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detects predetermined period of silence. It would have been obvious to one skilled in the art at the time of the invention to modify Roark to teach that one terminal both receives predetermined data and also detects predetermined period of silence because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, would have expected applicant's invention to perform equally well with one terminal receiving predetermined data and another terminal detecting predetermined period of silence or with one terminal both sending predetermined data and also detecting predetermined period of silence.

6. As per claim 4: A communication method by which a central terminal terminates a startup session of a duplex communication to be established between the central terminal and a remote terminal, comprising: initiating a transmission of certain data when the remote terminal completes a transmission of a mode select message, an ACK message being transmitted by the remote terminal (Roark fig. 4: 54; fig. 5c: 288) upon reception of the mode select message (Roark fig. 4: 52; fig. 5c: 282) transmitted by the central terminal (Roark fig. 4: Base system); receiving the ACK message transmitted by the remote terminal (Roark fig. 4: base system receives 54 sent by fig. 5c 288); and transmitting predetermined data upon reception of the ACK message transmitted by the remote terminal (Roark fig. 4: 56 is transmitted after 54 is received; fig. 5b 244 yes after fig. 5c 288), a data transmission in the startup session (Roark fig. 5B: 240 assigning frequency and time slot for data transmission; assigning frequency and time slot is intended for transmitting data) being suspended (Roark fig. 5B: 266, deassigning frequency and time slot; assigning frequency and time slot is intended for transmitting data and hence deassigning would suspend data transmission) after the predetermined data is transmitted (Roark

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fig. 4: after 56 is transmitted which in fig. 5b is after 244 is yes can deassigning in 266 occur), wherein the data transmission in the startup session is terminated (Roark fig. 5b: 270) when the remote terminal at least receives the predetermined data transmitted by the central terminal (Roark fig. 5B: 256 receives fig. 4 56 which is the yes in fig. 5b 244; fig. 4 remote receives 56 which was transmitted by the base system) and detects a predetermined period of silence transmission (Roark fig. 5B: 258 no) (also see col. 7 line 43 to col.9 line 58).

7. What Roark does not teach is that the base system is central and CPE is remote. It is common knowledge that communication systems can be relocated and still operate. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to relocate the base at a central location and relocate the CPE (customer premises equipment) at the remote location because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with relocating the base at a central location and relocating the CPE at the remote location because signals from base at a central location will reach more customers than if the base is at a remote location. Therefore, It would have been obvious to one skilled in the art at the time of the invention to modify Roark to obtain the invention as specified in this claim.

8. What Roark does not teach is that one terminal (remote) both receives predetermined data and also detects predetermined period of silence. What Roark teaches is that one terminal receives predetermined data and another terminal detects predetermined period of silence (Roark fig. 5B: 258 no). What Roark teaches is that one terminal both sends predetermined data and also detects predetermined period of silence. It would have been obvious to one skilled in the art

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at the time of the invention to modify Roark to teach that one terminal both receives predetermined data and also detects predetermined period of silence because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, would have expected applicant's invention to perform equally well with one terminal receiving predetermined data and another terminal detecting predetermined period of silence or with one terminal both sending predetermined data and also detecting predetermined period of silence.

9. What Roark does not teach is that one terminal both receives predetermined data and also detects predetermined period of silence. What Roark teaches is that one terminal receives predetermined data and another terminal detects predetermined period of silence (Roark fig. 5B: 258 no). What Roark also teaches is that one terminal both sends predetermined data and also detects predetermined period of silence. It would have been obvious to one skilled in the art at the time of the invention to modify Roark to teach that one terminal both receives predetermined data and also detects predetermined period of silence because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, would have expected applicant's invention to perform equally well with one terminal receiving predetermined data and another terminal detecting predetermined period of silence or with one terminal both sending predetermined data and also detecting predetermined period of silence.

10. As per claim 5: A communication method by which a remote terminal terminates a startup session of a half duplex communication to be established between a central terminal and the remote terminal, comprising: receiving an ACK message transmitted by the central terminal

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(Roark fig. 4: base system receives 54 sent by fig. 5c 288); and transmitting predetermined data upon reception of the ACK message transmitted by the central terminal (Roark fig. 4: 56 is transmitted after 54 is received; fig. 5b 244 yes after fig. 5c 288), a data transmission in the startup session (Roark fig. 5B: 240 assigning frequency and time slot for data transmission; assigning frequency and time slot is intended for transmitting data) being suspended (Roark fig. 5B: 266, deassigning frequency and time slot; assigning frequency and time slot is intended for transmitting data and hence deassigning would suspend data transmission) after the predetermined data is transmitted (Roark fig. 4: after 56 is transmitted which in fig. 5b is after 244 is yes can deassigning in 266 occur), wherein the data transmission in the startup session is terminated (Roark fig. 5b: 270) when the central terminal detects a predetermined period of silence transmission (Roark fig. 5B: 258 no) (also see col. 7 line 43 to col.9 line 58).

11. What Roark does not teach is that the base system is remote and CPE is central. It is common knowledge that communication systems can be relocated and still operate. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to relocate the base at a remote location and relocate the CPE (customer premises equipment) at the central location because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with relocating the base at a remote location and relocating the CPE at the central location because customers at a central location are easier to access for maintenance than if they are scattered at remote locations. Therefore, It would have been obvious to one skilled in the art at the time of the invention to modify Roark to obtain the invention as specified in this claim.

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12. As per claim 6: A communication method by which a central terminal terminates a startup session of a half duplex communication to be established between the central terminal and a remote terminal, comprising: receiving an ACK message transmitted by the remote terminal (Roark fig. 4: base system receives 54 sent by fig. 5c 288); and transmitting predetermined data upon reception of the ACK message transmitted by the remote terminal (Roark fig. 4: 56 is transmitted after 54 is received; fig. 5b 244 yes after fig. 5c 288), a data transmission in the startup session (Roark fig. 5B: 240 assigning frequency and time slot for data transmission; assigning frequency and time slot is intended for transmitting data) being suspended (Roark fig. 5B: 266, deassigning frequency and time slot; assigning frequency and time slot is intended for transmitting data and hence deassigning would suspend data transmission) after the predetermined data is transmitted (Roark fig. 4: after 56 is transmitted which in fig. 5b is after 244 is yes can deassigning in 266 occur), wherein the data transmission in the startup session is terminated (Roark fig. 5b: 270) when the remote terminal detects a period of silence transmission (Roark fig. 5B: 258 no) (also see col. 7 line 43 to col.9 line 58). What Roark does not teach is that the base system is central and CPE is remote. It is common knowledge that communication systems can be relocated and still operate. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to relocate the base at a central location and relocate the CPE (customer premises equipment) at the remote location because applicant has not disclosed that this feature provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with relocating the base at a central location and relocating the CPE at the remote location because signals from

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base at a central location will reach more customers than if the base is at a remote location.

Therefore, It would have been obvious to one skilled in the art at the time of the invention to modify Roark to obtain the invention as specified in this claim.

Allowable Subject Matter

13. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (571) 272-3011. The examiner can normally be reached on Mon, Tues, Wed and Thurs after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PK

TESFALDET BOUCURE
PRIMARY EXAMINER

